

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE

FILED

JAN 16 2008

Francisco Burgos,
Petitioner,

V.

United States of America,
Respondent.

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Criminal Case No:
(94-27 ERIE)

Hon. Sean J. McLaughlin

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

PETITIONER MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO
TITLE 18 U.S.C. 3582(c)(2), AND 28 U.S.C. 994(o).

COMES NOW, Petitioner, Francisco Burgos, Pro-se, from
the Federal Bureau of Prisons, Fort Dix, New Jersey, respectfully
requesting this Honorable Court to modify Petitioner sentence
pursuant to Title 18 U.S.C. 3582(c)(2), and 28 U.S.C. 994(o).
Petitioner Francisco Burgos thereof states the alleges:

JURISDICTION

Section 3582(c)(2), of Title 18, United States Code
Provides: [I]n the case of a defendant who has been sentenced
to a term of imprisonment based on a sentencing range that has
subsequently been lowered by the Sentencing Commission pursuant
to 28 U.S.C. 994(o), upon motion of the defendant or the Director
of the Federal Bureau of Prisons, or on it's own motion, the
court may reduce the term of imprisonment, after considering

the factors set forth in Section 3553(a), the extent that they are applicable if such a reduction is consistent with the applicable policy statement issued by the Sentencing Commission.

This Honorable Court has jurisdiction to entertain this motion, as it is the court of conviction and sentencing pursuant to Title 18 U.S.C. 3582(c)(2), and 1B1.10, of the United States Sentencing Guidelines.

STATEMENT OF CASE

On or about August 6, 1994, Petitioner Francisco Burgos, was indicted by the United States District Court, for the Western District of Pennsylvania, for Conspiracy to Distribute 50 grams or more of Cocaine Base in violation of 21 U.S.C. 841.

Petitioner Francisco was sentenced to 210 months of imprisonment on or about June 8, 1999.

ISSUE

PETITIONER FRANCISCO BURGOS QUALIFY FOR TWO LEVELS
SENTENCING REDUCTION PURSUANT TO U.S.S.G. 1B1.10,
AND AMENDMENT (706)

FACTS

Petitioner Francisco Burgos, was charged with Conspiracy to Distribute 50 grams or more of Cocaine Base, in violation of 21 U.S.C. 841, which carries a mandatory sentence of 10 years. The court imposed a sentence of 210 months which exceeded the mandatory minimum sentence.

ARGUMENT

Pursuant to Amendment 706, and 1B1.10, of the United States Sentencing Guidelines, the court is authorized to reduce a defendant sentence by two levels, as stated in Title 18 U.S.C. 3582(c)(2), after considering the factors set forth in Section 3553(a).

Petitioner Francisco Burgos, qualify for two levels sentencing reduction pursuant to Amendment (706), and 1B1.10, of the United States Sentencing Guidelines which may now apply re-troactive.

CONCLUSION

Wherefore, Petitioner, Francisco Burgos respectfully requesting this Honorable Court to grant his motion.

Respectfully Submitted,

Francisco Burgos
Francisco Burgos, Pro-se
Register No. 50408-066
FEDERAL CORRECTIONAL INSTITUTION
Post Office Box 2000(East)
Fort Dix, New Jersey 08640

Dated: 01/11/08

CC: John J. Trucilla (AUSA)
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